

**SUPREME COURT MINUTES  
THURSDAY, OCTOBER 28, 2004  
SAN FRANCISCO, CALIFORNIA**

**S127685**B177204 Second Appellate District,  
Division Two

RODRIGUEZ v. S.C. (NASSIF)

Time extended to grant or deny review

to December 2, 2004.

**S023421**

PEOPLE v. BUNYARD (JERRY T.)

Extension of time granted

to December 28, 2004 to file respondent's brief.

**S123722**

F043006 Fifth Appellate District

N. (HOWARD), IN RE

Request for judicial notice granted

Appellant's request for judicial notice, filed  
August 23, 2004.**S127783**B170659 Second Appellate District,  
Division Eight

VEGA v. JONES, DAY, REAVIS &amp; POGUE

Order filed

The order in the above-entitled matter issued on  
October 27, 2004, is modified to read as  
follows:  
Petition for review DENIED.  
The requests for an order directing depublication  
of the opinion are denied.  
Chin, J., is of the opinion the petition should be  
granted.

**S128455**

GIVENS v. S.C. (PEOPLE)

Transferred to CA 2

The above-entitled matter is transferred to the  
Court of Appeal, Second Appellate District, for  
consideration in light of *Hagan v. Superior  
Court* (1962) 57 Cal.2d 767. In the event the  
Court of Appeal determines that this petition is  
substantially identical to a prior petition, the  
repetitious petition shall be denied.

**S117527**

IN THE MATTER OF THE SUSPENSION  
OF ATTORNEYS PURSUANT TO RULE 962,  
CALIFORNIA RULES OF COURT  
Order filed

Having been provided proof of compliance pursuant to Family Code 17520, the suspension of **GEOFFREY OJO** pursuant to our order filed on September 17, 2004, is hereby terminated.  
This order is final forthwith.

IN THE MATTER OF THE SUSPENSION OF  
ATTORNEYS FOR NONPAYMENT OF DUES  
Order filed

**S118232**

Due to clerical error on the part of the State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of dues filed on August 23, 2003, effective September 16, 2003, be amended nunc pro tunc to strike the name of **Sally Y. Kim**.

**S126962**

Due to clerical error on the part of the State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of dues filed on August 27, 2004, effective September 16, 2004, be amended nunc pro tunc to strike the name of **Cynthia L. Harris**.

**S127151**

CULLITON ON DISCIPLINE  
Recommended discipline imposed: disbarred

It is hereby ordered that **JAMES M. CULLITON, State Bar No. 118949**, be summarily disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar.  
\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S127152**

BESWICK ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **Robert Horace Beswick, State Bar No. 85941**, be summarily disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955 of the California Rules of Court and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar in accordance with section 6086.10 of the Business and Professions Code and are payable in accordance with section 6140.7 of the Business and Professions Code.  
\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S127153**

EASTER ON DISCIPLINE

Recommended discipline imposed

It is ordered that **STANLEY GLENN EASTER, State Bar No. 152632**, be suspended from the practice of law for three months, that execution of the suspension be stayed, and that he be placed on probation for six months subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on June 17, 2004. Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

**S127154**

SUTTER ON DISCIPLINE

Recommended discipline imposed

It is ordered that **STEVE DOUGLAS SUTTER, State Bar No. 72872**, be suspended from the practice of law for two years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards

for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 18 months. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed July 8, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2005, 2006 and 2007.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S127156**

**WEINERT ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **DIANA WEINERT, State Bar No. 112953**, be suspended from the practice of law for two years and until she complies with standard 1.4(c)(ii) set forth below, that execution of the suspension be stayed, and that she be placed on probation for three years subject to the conditions of probation, including one year actual suspension and until she has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on July 8, 2004. It is also ordered that she take and pass

the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that she comply with rule 955 of the California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and one-third of said costs must be added to and become part of the membership fees for the years 2005, 2006, and 2007.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S127157**

**SPRAGUE ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **ROBERT PHILIP SPRAGUE, State Bar No. 67647**, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 60 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed June 25, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

**S127162**

SACHS ON DISCIPLINE

Recommended discipline imposed

It is ordered that **MICHAEL BARRY SACHS, State Bar No. 99111**, be suspended from the practice of law for 30 days, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on June 24, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

**S127164**

SCARPELLO ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **JOSEPH ROBERT SCARPELLO, State Bar No. 126302**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar. \*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S127180**

RIVAS ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **FRED RIVAS, State Bar No. 52736**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in

subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S127182**

PATTERSON ON DISCIPLINE  
Recommended discipline imposed

It is ordered that **WILLIAM PATRICK PATTERSON, State Bar No. 99088**, be suspended from the practice of law for three years and until he complies with standard 1.4(c)(ii) set forth below and until he makes the specified restitution set forth below, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for one year and until he makes restitution to Aurelio Rodriguez (or the Client Security Fund, if appropriate) in the amount of 1,000.00 plus 10% interest per annum from May 16, 2001, and furnishes satisfactory proof thereof to the State Bar's probation unit in Los Angeles, as recommended by the Hearing Department of the State Bar Court in its decision filed June 10, 2004; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the

California Rules of Court, and that respondent perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.  
\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S128610****DIAZ ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **DAVID A. DIAZ, State Bar No. 171813**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.  
\*(See Bus. & Prof. Code, § 6126, subd. (c).)